

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

NICOLE GARDNER, as Administratrix of the  
Estate of Sharon Ann Gardner, deceased  
as Assignee of Kevin Harper,

Plaintiff,

v.

STATE FARM FIRE AND CASUALTY  
COMPANY,  
Defendant.

CASE NO. 05-CV-1055-GLL

The Honorable Gary L. Lancaster

JURY TRIAL DEMANDED


**MOTION FOR RELIEF FROM AND/OR RECONSIDERATION OF AUGUST 30, 2006  
ORDER OF COURT OR IN THE ALTERNATIVE, REQUEST THAT COURT  
CERTIFY ORDER AS INTERLOCUTORY PURSUANT TO 28 U.S.C.A. §1292(b) FOR  
APPEAL BY PERMISSION UNDER  
F.R.A.P. 5**

Plaintiff, by her attorneys, Jerome W. Kiger, Esquire and Amy B. Kubisiak, Esquire, files the following Motion for Relief from and/or Reconsideration of August 30, 2006 Order of Court:

1. In the Court's Initial Scheduling Order filed on January 17, 2006 it states that the Federal Rules of Discovery allow for liberal discovery with relevancy being the test as to whether material is discoverable. The Rules are construed broadly and include "any matter that bears on, or that reasonably could lead to other matters that could bear on, any issue that is or may be in the case." A party cannot object on the ground that the information sought would be inadmissible at trial, so long as the information sought is reasonably calculated to lead to the discovery of admissible evidence.

2. After Plaintiff served Requests for Production and Interrogatories in May and June, Defendant objected to many of the requested documents and interrogatories. In response to these objections, Plaintiff filed Motions to Compel on July 7, 2006 and August 2, 2006.

AND NOW, THIS 8<sup>th</sup> DAY OF  
Sept 06, IT IS HEREBY  
ORDERED THAT THE WITHIN  
MOTION IS DENIED.

  
GARY L. LANCASTER,  
UNITED STATES DISTRICT JUDGE